

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JOE HAND PROMOTIONS, INC., as
Broadcast Licensee of the **February 2, 2008 -**
UFC #81 Program,

Plaintiff,

-against-

BRUCE WOODY, Individually, and as officer,
director, shareholder and/or principal of
UPSTAIRS AT THE ICE HOUSE, INC., d/b/a
UPSTAIRS ICEHOUSE, INC., a/k/a
UPSTAIRS AT THE ICE HOUSE, a/k/a
CRYSTAL ICE HOUSE, a/k/a ICE HOUSE,
and UPSTAIRS AT THE ICE HOUSE, INC.,
d/b/a UPSTAIRS ICEHOUSE, INC., a/k/a
UPSTAIRS AT THE ICE HOUSE, a/k/a
CRYSTAL ICE HOUSE a/k/a ICE HOUSE,

Defendants.

**PLAINTIFF'S MOTION TO DISMISS
DEFENDANTS' COUNTERCLAIMS PURSUANT
TO F.R.C.P. 12(b)(6)**

Plaintiff, **JOE HAND PROMOTIONS, INC.**, (hereinafter "Plaintiff"), by its attorneys,
LONSTEIN LAW OFFICE, P.C., submits the following Motion to Dismiss Defendants' Counterclaims
in their entirety pursuant to F.R.C.P. 12(b)(6) and in support of same, respectfully avers as follows:

1. On or about June 23, 2009, Plaintiff filed a Civil Action Complaint against the defendants,
BRUCE WOODY, Individually, and as officer, director, shareholder and/or principal of UPSTAIRS AT
THE ICE HOUSE, INC., d/b/a UPSTAIRS ICEHOUSE, INC., a/k/a UPSTAIRS AT THE ICE HOUSE,
a/k/a CRYSTAL ICE HOUSE, a/k/a ICE HOUSE, and UPSTAIRS AT THE ICE HOUSE, INC., d/b/a
UPSTAIRS ICEHOUSE, INC., a/k/a UPSTAIRS AT THE ICE HOUSE, a/k/a CRYSTAL ICE HOUSE
a/k/a ICE HOUSE.

2. Service was duly made upon Defendants on July 15, 2009.

3. Thereafter, on or about July 31, 2009, Defendant, BRUCE WOODY, Individually, and as officer, director, shareholder and/or principal of UPSTAIRS AT THE ICE HOUSE, INC., d/b/a UPSTAIRS ICEHOUSE, INC., a/k/a UPSTAIRS AT THE ICE HOUSE, a/k/a CRYSTAL ICE HOUSE, a/k/a ICE HOUSE, through Counsel, submitted an Answer with Counterclaims and Third Party Complaint. Also on July 31, 2009, Defendant, UPSTAIRS AT THE ICE HOUSE, INC., d/b/a UPSTAIRS ICEHOUSE, INC., a/k/a UPSTAIRS AT THE ICE HOUSE, a/k/a CRYSTAL ICE HOUSE a/k/a ICE HOUSE, through Counsel, submitted an Answer with Counterclaims and Third Party Complaint.

4. Plaintiff submits the within Motion to Dismiss Defendants' Counterclaims pursuant to F.R.C.P. 12(b)(6).

5. In support of the motion, Plaintiff shall rely upon pleadings herein and the accompanying brief. A proposed Order is also submitted.

WHEREFORE, for all of the above reasons, it is respectfully requested that this Court grant Plaintiff's Motion to Dismiss Defendants' Counterclaims in their entirety.

Dated: August 11, 2009

JOE HAND PROMOTIONS, INC.

By: /s/Wayne D. Lonstein
WAYNE D. LONSTEIN, ESQ.
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/s/Terry A. Finger

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 11, 2009, I electronically filed the Motion to Dismiss Defendants' Counterclaims against Plaintiff with Memorandum of Law in Support of Motion, and Proposed Order with the Clerk of the Court by using the CM/EFC system which will send a notice of electronic filing to the following counsel:

Norbert E. Cummings, Jr., Esq.
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/s/ Terry A. Finger

Terry A. Finger, Esq.